


<b>Application Number</b> 	<b>Application/Control No.</b> 10/687,168	<b>Applicant(s)/Patent under Reexamination</b> ROLL ET AL.	
<b>Document Code - DISQ</b>		<b>Internal Document – DO NOT MAIL</b>	

<b>TERMINAL DISCLAIMER</b>	<input type="checkbox"/> APPROVED	<input checked="" type="checkbox"/> DISAPPROVED
Date Filed : 01 Nov 2004	This patent is subject to a Terminal Disclaimer	

<b>Approved/Disapproved by:</b>
Patricia Volpe Paralegal Specialist 3600  David A. Young et al is not associated with the application. The named prior patent number (6,588,636) is not associated with the application.

U.S. Patent and Trademark Office

## T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

DATE: 11/17/04  
TO: EXAMINER: Avraham Lerner  
FROM PARALEGAL SPECIALIST: Patricia Volpe

APPL. S.N.: 10/687,168  
ART UNIT: 3611

Case Drop-Off Location: CPK5-8T01

SUBJECT: Decision on Terminal Disclaimer (T.D.) filed: NOT APPROVED

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE.

- ☐ The T.D. is PROPER and has been recorded (see ¶ 14.23).
- ☒ The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see ¶ 14.24):
- ☐ The TD fee of \_\_\_\_\_ has not been submitted nor is there any authorization in the application file for the use of a deposit account (see ¶ 14.26.07).
  - ☐ The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see ¶ 14.26 & 14.26.01).
  - ☐ The T.D. lacks the enforceable only during common ownership clause - needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see ¶ 14.27.01).
  - ☐ The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the terms of the entire patent to be granted" (MPEP 1490) (see ¶ 14.26 & 14.26.02).
  - ☐ The person who signed the T.D.:
    - ☐ is not an attorney "of record" (see ¶ 14.29 and 14.29.01).
    - ☐ has failed to state his/her capacity to sign for the business entity (see ¶ 14.28).
    - ☐ is not recognized as an officer of the assignee (see ¶ 14.29 & possible 14.29.02).
  - ☐ No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see ¶ 14.30).
  - ☐ The T.D. is not signed (see ¶ 14.26 & 14.26.03).
  - ☒ The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see ¶ 14.32).
  - ☐ The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed) is missing or incorrect (see I T 14.26, 14.27.02 or 14.26.05).
  - ☐ The period disclaimed is incorrect or not specified (see §§ 14.26, 14.27.02 or 14.26.03).
  - ☒ Other: David A. Young et al is not one of the listed applicant/inventors
  - ☐ Suggestion to request refund (see ¶ 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item. I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.